



# City of NORFOLK

C: Dir., Department of City Planning

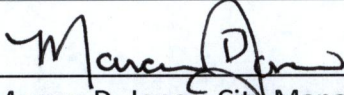
To the Honorable Council  
City of Norfolk, Virginia

April 14, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special exception to operate an automobile and truck repair facility at 860 Avenue J Vincent Powell**

Reviewed:   
Ronald H. Williams, Jr., Deputy City Manager Ward/Superward: 3/7

Approved:   
Marcus D. Jones, City Manager Item Number: R-7

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **5 to 1**, the Planning Commission recommends **Approval**.
- III. **Request:** Special exception – automobile and truck repair.
- IV. **Applicant:** Vincent Powell
- V. **Description**
  - This request would allow a new business to operate an automobile and truck repair facility at this site.
  - During the Planning Commission public hearing the applicant agreed to an 18 month sunset.
    - At the end of 18 months, in order to continue operation, the applicant will be required to reapply for a new special exception.
  - During the public hearing the applicant indicated that he would not operate a full service auto repair facility.
    - Through conditions contained in the ordinance, staff has limited the use of the site to repair and replacement of tires, rims, wheels, window tinting, audio installation and other cosmetic alterations routinely needing less than one hour to complete.

Staff point of contact: Ashton Jones at 664-7470, [ashton.jones@norfolk.gov](mailto:ashton.jones@norfolk.gov)

**Attachments:**

- Staff Report to CPC dated March 26, 2015 with attachments
- Proponents and Opponents
- Ordinance





# City of NORFOLK

## Planning Commission Public Hearing: March 26, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Staff: Ashton Jones, AICP, CFM

Staff Report		Item No.
		9
Address	860 Avenue J	
Applicant	Vincent Powell	
Request	Special Exception	Automobile and Truck Repair
Property Owner	Benny M Lebon	
Site Characteristics	Site Area	7,456 sq. ft.
	Zoning	C-2 (Corridor Commercial)
	Neighborhood	Oakwood
	Character District	Suburban
Surrounding Area	North	C-2; Various Retail Stores
	East	C-2; Thrift Store USA
	South	C-2; Sewells Point Place
	West	C-2; Midway Shopping Center



### A. Summary of Request

- This request would allow the operation of an automobile and truck repair facility in a building that is currently vacant.
- The item was continued at the December public hearing in order to provide time for staff, the property owner and the applicant to agree on the conditions to be attached to the special exception.
- The item was continued at the January public hearing in order to provide time for the applicant to develop a landscape/site plan.
- Inclement weather caused the cancellation of the February public hearing.

### B. Plan Consistency

- The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.
- The Identifying Land Use Strategies chapter of *plaNorfolk2030* includes an action calling for the City to work to bring new automobile repair establishments into compliance with applicable codes, with an emphasis on buffering, landscaping, and parking.
  - In order to be fully consistent with *plaNorfolk2030*, improvements should be made to this site to bring it more into compliance with applicable codes.

### C. Zoning Analysis

#### i. General

- The site is located in a C-2 (Corridor Commercial) district, which permits the proposed use with a special exception.
- The special exception process may impose such conditions and limitations concerning use, construction, operation, character, location, landscaping and screening as necessary to minimize the impact of the use upon the adjacent neighbors and to comply with adopted plan objectives.
- The attached landscape/site plan is developed in accordance with the *Zoning Ordinance* requirements regarding auto repair facilities that were applicable at the time of initial submittal.

	Proposed
Hours of Operation	9:00 a.m. until 7:00 p.m., Monday through Friday 9:00 a.m. until 6:00 p.m., Saturday 12:00 p.m. until 2:00 p.m., Sunday

#### ii. Parking

- The required parking for an automobile and truck repair facility is based upon the number of service bays.
  - The existing structure would be required to have three parking spaces.

- While currently not striped, the site will be striped and will comply with current parking requirements.

iii. Flood Zone

- The property is in an X flood zone which is not a designated flood zone.

**D. Transportation Impacts**

- Institute of Transportation Engineers (ITE) figures estimate that this use will generate 35 vehicle trips per day.

**E. Impact on the Environment**

- The *Zoning Ordinance* requires a 6-foot wide landscape buffer along all interior property lines and a 10-foot wide buffer along a properties frontage. The Zoning Ordinance does permit variation from this standard in situations where strict application of the regulations may be impractical.
  - Where there is an existing drive aisle which provides the only access to the rear of the property, the applicant is proposing to utilize an alternative landscape standard. To make up for the landscaping reduction along this side of the property, additional landscaping will be provided in other locations where practical.
  - In all other locations, the applicant will provide a perimeter landscaping area of 10-foot along the front yard and 6-foot along the side and rear yards.
  - In order to match the required front yard landscaping improvements, the driveway apron will need to be adjusted. This will require a ROW permit and these improvements, in addition to a parking layout, will be indicated on any approved landscape plan.

**F. Impact on Surrounding Area/Site**

- The site is located near the Little Creek Road commercial corridor.
- By requiring this use to conform to the conditions listed below, the proposed automobile and truck repair facility should not have a negative effect on the surrounding neighborhood.

**G. Payment of Taxes**

- The owner of the property is current on all real estate taxes.

**H. Civic League**

- Letter was sent to the Oakwood Civic League on December 2.

**I. Community Outreach/Notification**

- Legal notice was posted on the property on November 4.
- Letters were mailed to all property owners within 300 feet of the property on November 26.

- Legal notification was placed in *The Virginian-Pilot* on November 27 and December 4.

#### J. Recommendation

Staff recommends that the request for a special exception to operate an automobile and truck repair facility be **approved** subject to the conditions listed below:

- a. The hours of operation for the facility shall be from 9:00 a.m. until 7:00 p.m., Monday through Friday, 9:00 a.m. until 6:00 p.m., Saturday and 12:00 a.m. until 2:00 p.m. on Sunday. No use of the facility outside of the hours of operation listed herein shall be permitted.
- b. All landscaping and site improvements shall be installed in accordance with the conceptual site plan attached hereto and marked "Exhibit B."
- c. Any nonconforming fences and signs on the site shall be removed, or modified in order to become fully compliant with the Zoning Ordinance.
- d. Curb stops will be required at all parking spaces to prevent any damage to required landscaping.
- e. Notwithstanding any other regulations pertaining temporary window signage within Chapter 16 of the *Zoning Ordinance of the City of Norfolk, 1992* (as amended), no less than 85% of the glass areas of the ground floor of the building shall be transparent as defined within the *Zoning Ordinance*.
- f. A hazardous materials management plan detailing the methods to be employed in order to mitigate the infiltration of petroleum-based materials or waste associated with the repair work being conducted on the property into groundwater or surface waters shall be prepared and submitted to the Department of Planning. Once approved, the plan shall be fully and continuously implemented.
- g. No razor wire or barbed wire shall be permitted on the site.
- h. Test driving of the vehicles shall not occur within any residential streets within the surrounding neighborhoods.
- i. No vehicle associated with this facility shall be parked or anyway otherwise displayed within any sight triangle, public right-of-way or on any unimproved surface.
- j. There shall be no storage of wrecked or inoperative vehicles in the building or on the property without a work order or an insurance claim form.

- k. All repair work, including the removal or installation of tires, shall be done inside the building. No repair work may take place outside.
- l. No exterior storage, placement or any display of tires or other vehicle parts is allowed.
- m. All bollards on the site shall be painted and maintained free of visible corrosion.
- n. The dumpster or trash containers shall not be visible from any public right-of-way, and shall be screened with a wall or solid fence, to include a locking gate.
- o. During all hours of operation, the facility operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- p. The property shall be kept in a clean and sanitary condition at all times.
- q. No additional sheds shall be constructed, reconstructed or added on the site.
- r. Conditions (b), (c), (d) and (f) shall be completed in their entirety within 6 months of the date of adoption of this ordinance.
- s. The facility shall maintain a current, active business license at all times while in operation.

**Attachments**

- Zoning Map
- 1000' radii map of similar automobile establishments
- Application
- Landscape Plan
- Letter to the Civic League
- Letter of Opposition

**Proponents and Opponents**

**Proponents**

Vincent Powell – Applicant  
860 Avenue J  
Norfolk, VA 23513

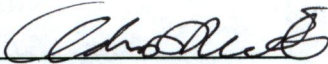
**Opponents**

None



Form and Correctness Approved: 

Contents Approved: 

By   
Office of the City Attorney

By   
DEPT.

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF AN AUTOMOBILE AND TRUCK REPAIR FACILITY ON PROPERTY LOCATED AT 860 AVENUE J.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to permit the operation of an Automobile and Truck Repair facility on property located at 860 Avenue J. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 50 feet, more or less, along the northern line of Avenue J, beginning 600 feet, more or less, from the western line of Merritt Street and extending westwardly; premises numbered 860 Avenue J.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the facility shall be limited to 9:00 a.m. until 7:00 p.m. Monday through Friday, from 9:00 a.m. until 6:00 p.m. on Saturday, and from 12:00 noon until 2:00 p.m. on Sunday. No use of the facility outside of the hours of operation listed herein shall be permitted.
- (b) Landscaping and site improvements shall be installed in accordance with the conceptual site plan attached hereto and marked "Exhibit A," subject to any revisions required by the City during the site plan review process.
- (c) All nonconforming fences and nonconforming signs on the site shall be removed or modified in order to render them fully conforming.



- (d) Curb stops shall be installed at the end of all parking spaces in order to protect adjacent landscaping.
- (e) The activities of the automobile and truck repair facility shall be limited to repair and replacement of tires, tire rims and wheels, modifications related to car audio installations, window tinting, and other cosmetic alterations which routinely take less than one hour to install and complete.
- (f) Notwithstanding any other regulations pertaining to temporary window signage in Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), no less than 85% of the glass areas of the ground floor shall remain transparent as defined in the Zoning Ordinance.
- (g) There shall be no razor wire permitted on the site and any existing razor wire shall be removed.
- (h) Test driving of the vehicles shall not occur within any neighborhood in the vicinity of the site.
- (i) No vehicle associated with this facility shall be parked or displayed in any public right-of way, on any unimproved surface, or within any sight distance triangle.
- (j) There shall be no storage of wrecked or inoperative vehicles in any building or on the property without a work order or an insurance claim form.
- (k) All repair work, including the removal or installation of tires, shall be done inside the building. No work may take place outside.
- (l) There shall be no storage or display of tires outside the building.
- (m) All bollards on the site shall be painted and maintained free of visible corrosion.
- (n) Any dumpster on the property shall not be visible from any public right-of-way, and shall be screened with a wall or solid fence and include a locking gate.

- (o) A hazardous materials management plan detailing the methods to be employed in order to mitigate the infiltration of petroleum-based materials or waste associated with the repair work being conducted on the property into groundwater or surface waters shall be prepared and submitted to the Department of Planning. Once approved, the plan shall be fully and continuously implemented.
- (p) During all hours of operation, the facility operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (q) No additional sheds shall be constructed, reconstructed or added on the site.
- (r) The facility shall maintain a current, active business license at all times while in operation.
- (s) Conditions (b), (c), (d) and (o) shall be completed in their entirety within six (6) months of the date of adoption of this ordinance.
- (t) This special exception shall automatically expire 18 months from the effective date of this ordinance. Prior to the expiration date, but no sooner than 12 months from the effective date of this ordinance, the property owner or manager may begin the application process for a new special exception.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing

such use; and

- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

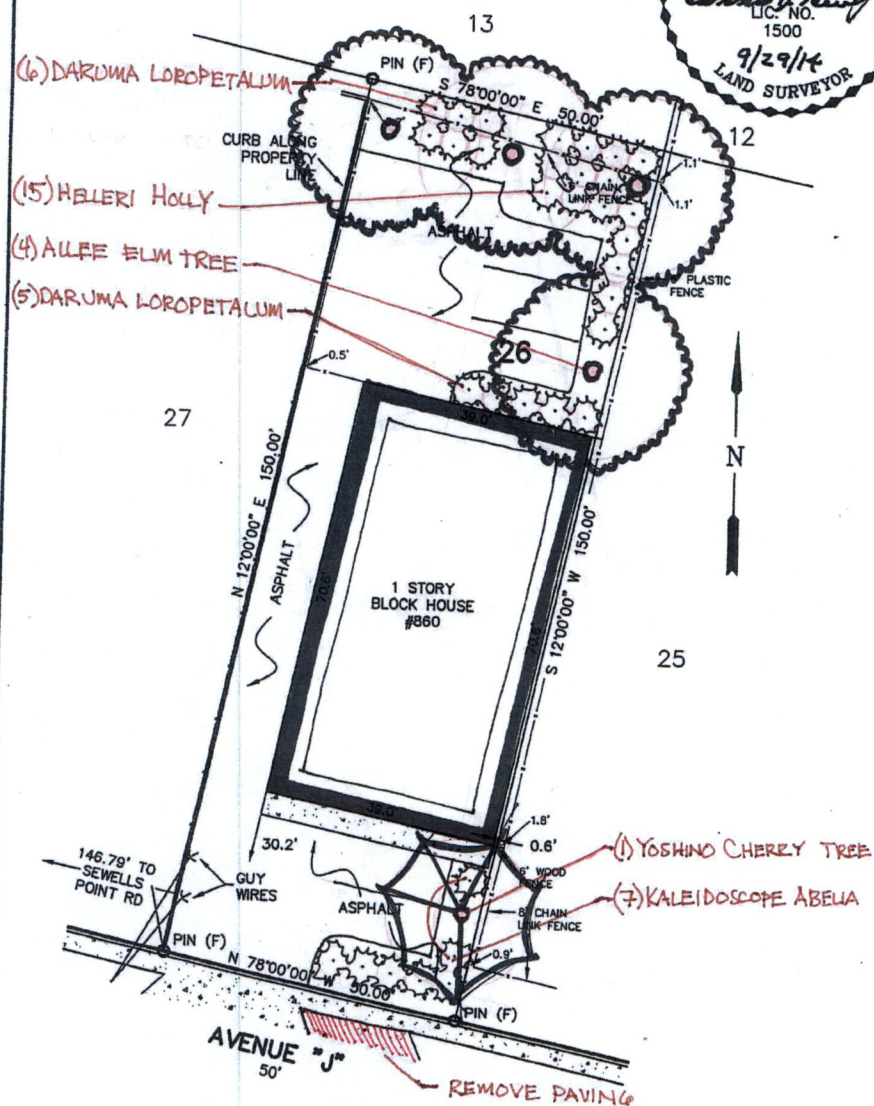
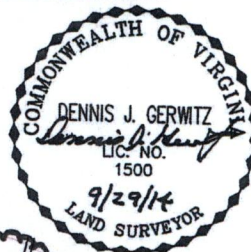
Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:

Exhibit A (1 page)



THIS IS TO CERTIFY THAT I ON SEPTEMBER 17, 2014 SURVEYED THE PROPERTY SHOWN ON THIS PLAT. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. THE ONLY EASEMENTS APPEARING ON THIS SURVEY ARE THOSE WHICH WERE SHOWN ON THE RECORDED SUBDIVISION PLAT.



NOTE: THIS PROPERTY APPEARS TO FALL IN FLOOD ZONE X AS SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM MAP FOR THE CITY OF NORFOLK COMMUNITY NO. 510104-0065 F DATED 09/02/09 BASE ELEVATION LOWEST FLOOR ELEVATION

PHYSICAL SURVEY OF  
LOT 26, BLOCK A  
LINCOLN PARK

NORFOLK, VIRGINIA

M.B. 17, P. 57 (CHES.)

FOR  
BENNY M. LEBON

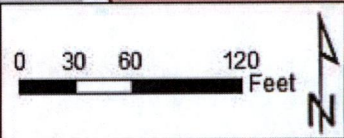
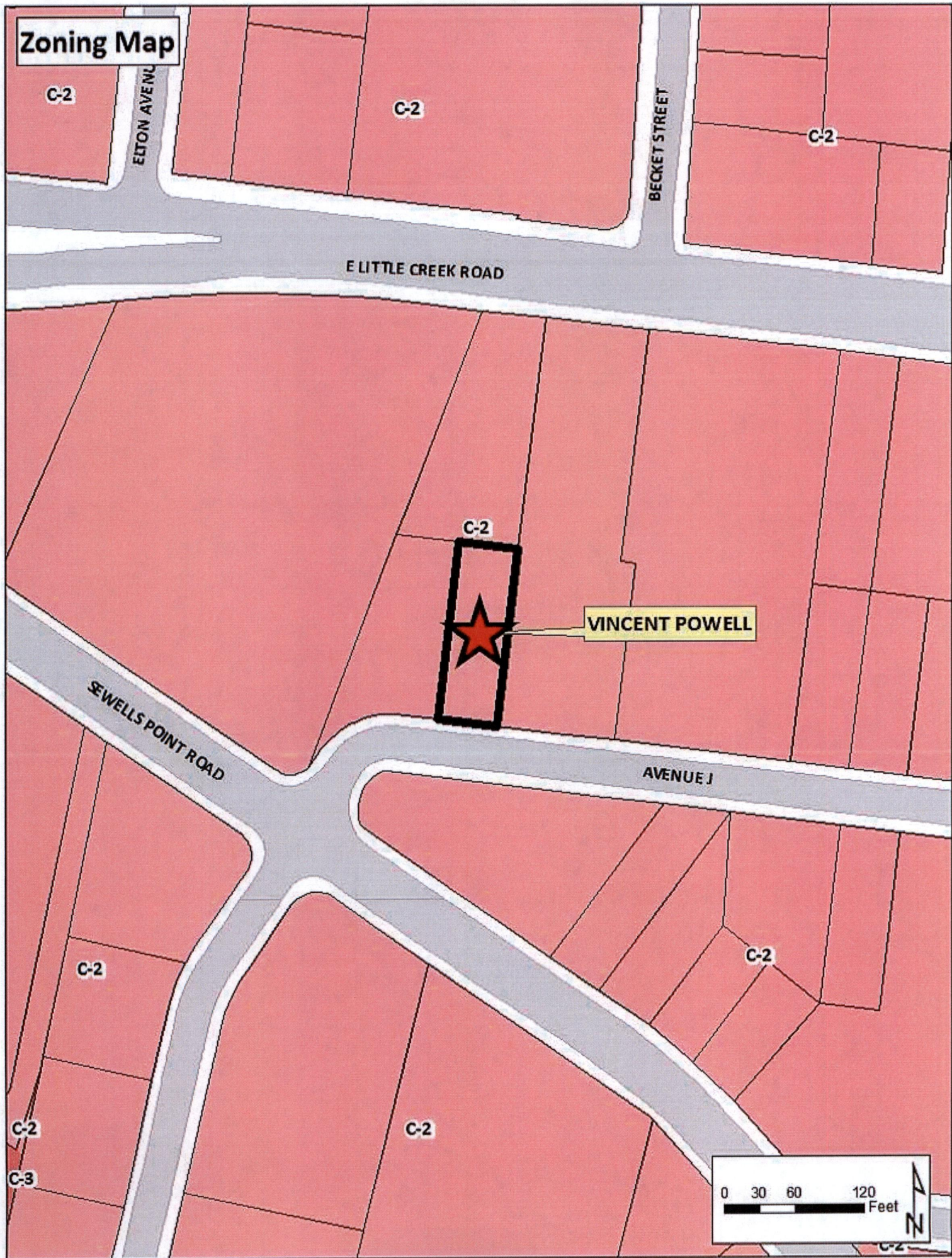
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**DJG**

DENNIS GERWITZ  
LAND SURVEYORS, P.C.  
2000 AIRCRAFT ROAD  
VIRGINIA BEACH, VIRGINIA 23454

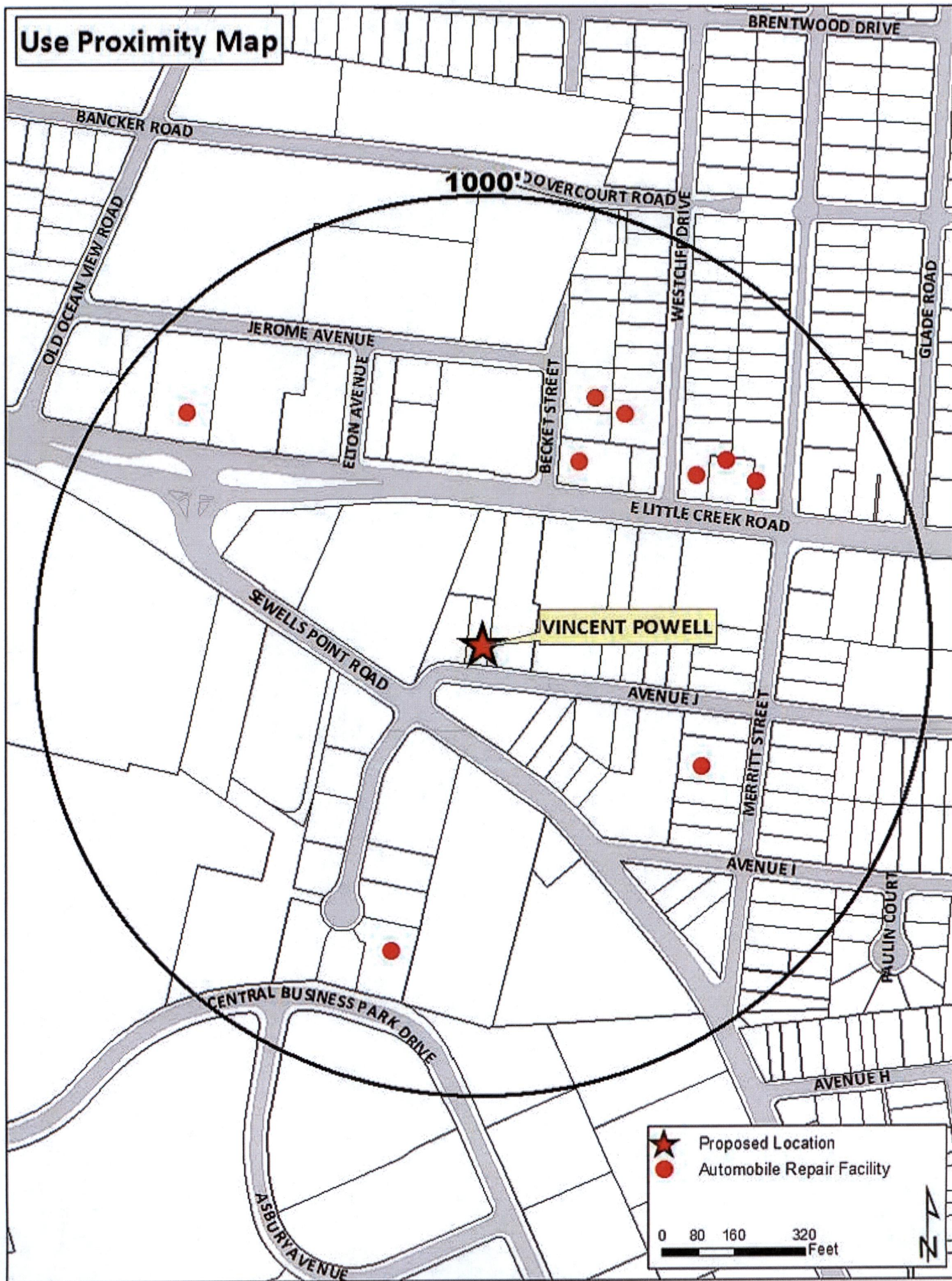


# Zoning Map





# Use Proximity Map







**APPLICATION  
SPECIAL EXCEPTION**

Special Exception for: AUTO + TRUCK REPAIR

Date of application: 10/23/14

**DESCRIPTION OF PROPERTY**

Property location: (Street Number) 860 (Street Name) AVENUE J

Existing Use of Property \_\_\_\_\_

Current Building Square Footage 2900 SQ FT

Proposed Use 2200 SQ FT WILL BE USED FOR RETAIL  
SALE OF RIM, TIRES + AUDIO.

700 SQ FT WILL BE USED FOR OWNER'S SUPPLIES

Proposed Square Footage 2200 SQ FT

Proposed Hours of Operation:

Weekday From 9:00 AM To 7:00 PM

Friday From 9:00 AM To 7:00 PM

Saturday From 9:00 AM To 6:00 PM

Sunday From 12:00 To 2:00 APT. ONLY

Trade Name of Business (If applicable) \_\_\_\_\_

**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)



**APPLICANT/ PROPERTY OWNER**

1. Name of applicant: (Last) POWELL (First) VINCENT (MI) C

Mailing address of applicant (Street/P.O. Box): 3852 AUGUSTINE CIR

(City) PORTSMOUTH (State) VA (Zip Code) 23703

Daytime telephone number of applicant (757) 348-6375 Fax number (757) 333-3432

E-mail address of applicant: RIMKINGSLLC@GMAIL.COM

2. Name of property owner: (Last) LEBON (First) BENNY (MI) M.

Mailing address of property owner (Street/P.O. box): 490 W. OCEAN VIEW

(City) NORFOLK (State) VA (Zip Code) 23503

Daytime telephone number of owner (757) 456-1398 Fax number ( ) \_\_\_\_\_

**CIVIC LEAGUE INFORMATION**

Civic League contact: MARY SIMPSON-JONES (OAKWOOD CIVIC LEAGUE)

Date(s) contacted: WILL CONTACT 10-24-14 (EMAIL + PHONE)

Ward/Super Ward information: WARD 3 SUPERWARD 7  
MS. GREEN MS. WILLIAMS

**REQUIRED ATTACHMENTS:**

- ✓ Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
  - Application fee includes a non-refundable \$5 technology surcharge.
- ✓ Two 8½ x 14 inch copies of a survey or site plan drawn to scale showing:
  - Existing and proposed building structures
  - Driveways
  - Parking,
  - Landscaping
  - Property lines (\*see attached example).

**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

Application  
Special Exception  
Page 3

**CERTIFICATION:**

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: BENNY M. LEBON Sign: [Signature] 10-22-14  
(Property Owner or Authorized Agent Signature) (Date)

Print name: VINCENT CROWELL Sign: [Signature] 10/23/14  
(Applicant or Authorized Agent Signature) (Date)

**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

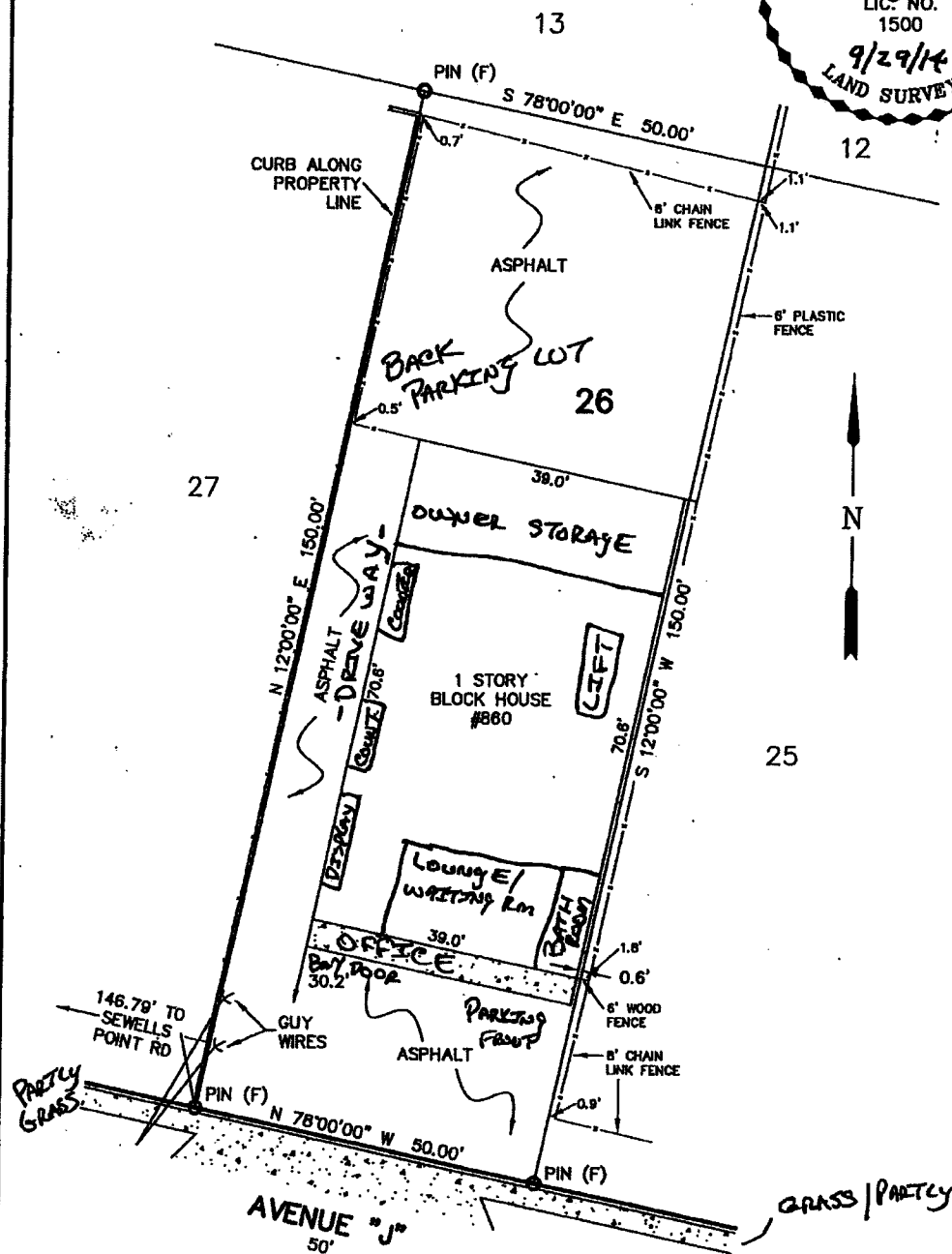
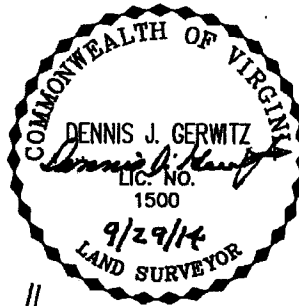
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Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

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COMMUNITY NO. 510104-0085 F DATED 09/02/09  
BASE ELEVATION  
LOWEST FLOOR ELEVATION

PHYSICAL SURVEY OF  
LOT 26, BLOCK A  
LINCOLN PARK

NORFOLK, VIRGINIA M.B. 17, P. 67 (CHES.)

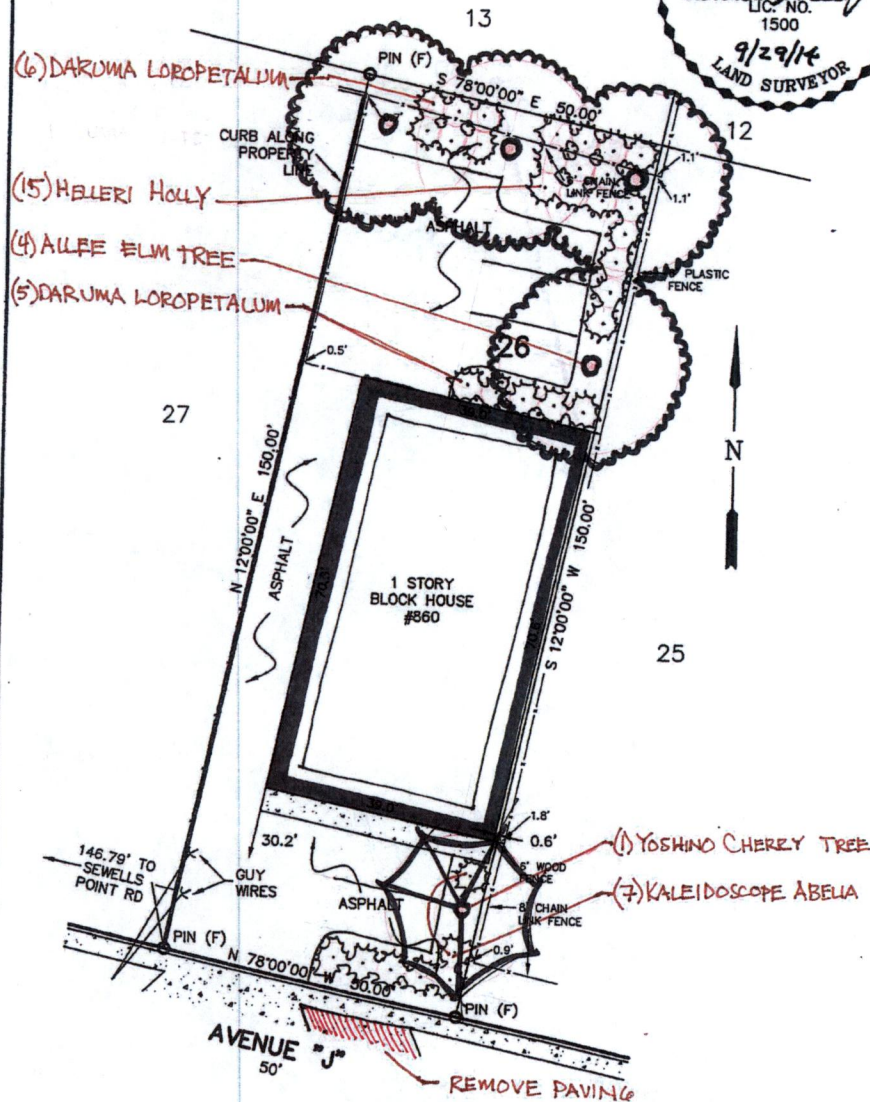
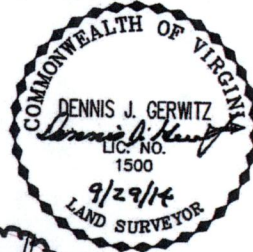
FOR  
BENNY M. LEBON

DATE: SEPTEMBER 17, 2014  
SCALE: 1" = 20'  
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**DJG**  
480-0039 FAX 480-0043

DENNIS GERWITZ  
LAND SURVEYORS, P.C.  
2085 ADEGROFT ROAD  
VIRGINIA BEACH VIRGINIA 23464

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BASE ELEVATION  
LOWEST FLOOR ELEVATION

PHYSICAL SURVEY OF  
LOT 26, BLOCK A  
LINCOLN PARK  
NORFOLK, VIRGINIA  
FOR  
BENNY M. LEBON

M.B. 17, P. 57 (CHES.)

DATE: SEPTEMBER 17, 2014  
SCALE: 1" = 20'  
F.B.: 561 CAD TECH: AW

**DJG**

DENNIS GERWITZ  
LAND SURVEYORS, P.C.  
2096 AGE-CROFT ROAD  
VIRGINIA BEACH, VIRGINIA 23464  
400-0039 FAX 400-0043





# City of NORFOLK

December 2, 2014

Mary E. Simpson-Jones  
President, Oakwood Civic League  
7505 Paulin Court  
Norfolk, VA 23513

Dear Ms. Simpson-Jones,

The Planning Department has received an application for a special exception to operate an automobile and truck repair facility at 860 Avenue J. This item is tentatively scheduled for the December 11, 2014 City Planning Commission public hearing.

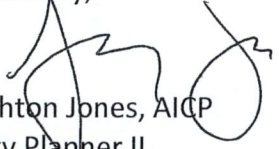
## Summary

This request would allow Vincent C. Powell to operate an automobile and truck repair facility.

	Proposed
Hours of Operation	9:00 a.m. until 7:00 p.m., Monday through Friday 9:00 a.m. until 6:00 p.m., Saturday 12:00 p.m. until 2:00 p.m., Sunday

If you would like additional information on the request, you may contact the applicant, Vincent C. Powell, at (757) 348-6375 or you may contact me at [ashton.jones@norfolk.gov](mailto:ashton.jones@norfolk.gov), or (757) 664-7470. A copy of the complete application is enclosed.

Sincerely,

  
Ashton Jones, AICP  
City Planner II

cc: Jim Herbst, Neighborhood Development Specialist  
[james.herbst@norfolk.gov](mailto:james.herbst@norfolk.gov) or (757) 823-4210

**Jones, Ashton**

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**From:** lwshroder@cox.net  
**Sent:** Tuesday, March 17, 2015 2:13 PM  
**To:** Jones, Ashton  
**Subject:** 860 Avenue J

Dear Mr. Jones:

My name is Laurie Shroder. I am the President of P&W Enterprises who own Midway Shopping Center. This letter is in response to the City Planning Commission Public Hearing on March 26, 2015, Regular Agenda #9. The parcels I own are 856 Avenue J, 27 Block A Lincoln Park which is next door to Vincent Powell's property; 849-855 Little Creek Road, Parcels B & PT C 837-847 A & B; 859-861 Little Creek Road E, 13 Blk A Lincoln Park. We have owned this property since 1967.

I will be out of town when the Planning Commission meets on Regular Agenda #9 for Vincent Powell. I would like to just mention my concern with this property. Over the years the previous tenants who operated that repair facility would constantly park in our parking lot since they do not have adequate parking on their lot. My posted signs regarding parking lot only for patrons of the shopping center have repeatedly be ignored. I have just spent \$230,00.00 to repave my parking lot. When the repair shop vehicles park on my lot they are dripping various fluids which consequently will ruin my parking lot and my improvements. In the past I have had to wait days for owners to show up at that location to have the vehicles removed as I have tried to be a good neighbor and not have them towed. I do not wish to continue having to deal with this issue and the continuous wear and tear on my new parking lot.

Any help you can give me with this issue will be appreciated.

I can be reached at 757-621-5056 or lwshroder@cox.net.

Thank you for your time.

Sincerely,

Laurie Shroder  
P&W Enterprises